

Message Text

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ORIGIN ARA-10

INFO OCT-01 ISO-00 L-03 CIAE-00 DODE-00 PM-03 H-02 INR-07

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 EB-07

COME-00 TRSE-00 FTC-01 JUSE-00 IO-10 /074 R

DRAFTED BY USOAS:PAMONTAVON:AVG

APPROVED BY USOAS: WSMALLIARD

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FM SECSTATE WASHDC

TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS PRIORITY

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E.O. 11652: N/A

TAGS: PFOR, OAS, EINV,BBAK,BDIS

SUBJECT: OAS PERMANENT COUNCIL (PC) RESOLUTION ON
TRANSNATIONAL ENTERPRISES

1. GENERAL COMMITTEE OF PERMANENT COUNCIL MET JULY 8 TO
RECEIVE NEW DRAFT RESOLUTION. MACHIN (VENEZUELA) WHO
PLAYED VERY CONSTRUCTIVE ROLE IN PUTTING TOGETHER COMPRO-
MISE FORMULA EXPLAINED THAT NEW VERSION WAS ATTEMPT TO
REFLECT ALL MAJOR POINTS OF VIEW EXPRESSED TO DATE AND
THAT NEW DRAFT APPEARED TO HAVE VIRTUALLY UNANIMOUS SUP-
PORT.

2. AMB. PITTY (PANAMA) WHO HAS BEEN OUT OF THE CITY AND
HENCE ABSENT FROM COUNCIL SINCE FIRST DRAFT RESOLUTION
WAS INTRODUCED, THEN INITIATED ATTACK ON GROUNDS THAT A
RESOLUTION URGING MEMBER STATES TO CLARIFY THEIR NATIONAL
LAWS ON BRIBERY AND ILLEGAL PAYMENTS CONSTITUTED INTER-
FERENCE IN INTERNAL AFFAIRS AND HE COULD NOT SUPPORT IT.
HIS BASIC POSITION WAS SUPPORTED BY PARAGUAY AND GOT SOME
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SYMPATHY FROM BRAZIL, THOUGH THE LATTER SAID IT WOULD

VOTE FOR THE RESOLUTION. THERE ENSUED A LENGTHY DISCUSSION IN WHICH AT TIMES IT SEEMED THAT PANAMA MIGHT ACHIEVE ITS OBJECTIVE OF DELAYING A VOTE ON THE RESOLUTION AND/OR FIND A WAY TO ASSURE A NEGATIVE U.S. VOTE. REPLYING DIRECTLY TO THE PANAMANIAN'S QUESTION, U.S. REP (MAILLIARD) STATED THAT AN EVEN-HANDED CONDEMNATION OF BRIBERY WAS AN

ESSENTIAL CONDITION OF U.S. SUPPORT FOR THE RESOLUTION.

3. THEREAFTER, VARIOUS DELEGATIONS ARGUED AGAINST DELAYING A VOTE AND AGAINST SUBSTANTIVE MODIFICATIONS AND PROPOSED A FEW STYLISTIC CHANGES WHICH ALLOWED PANAMA TO ACQUIESCE. THE RESOLUTION WAS THEN ADOPTED WITHOUT OBJECTION.

4. U.S. MADE STATEMENT RECOGNIZING CONSTRUCTIVE APPROACH COUNCIL HAD TAKEN TOWARD DRAFTING THE RESOLUTION. OUR STATEMENT ALSO MADE CLEAR THAT OUR SUPPORT IMPLIED NO CHANGE IN LONG-HELD POSITION THAT HOST COUNTRIES IN DEALING WITH TRANSNATIONAL ENTERPRISES MUST RESPECT INTERNATIONALLY-HELD PRINCIPLES OF EQUITABLE TREATMENT AND DUE PROCESS OF LAW, AS WELL AS THEIR INTERNATIONAL OBLIGATIONS.

5. RESOLUTION NOW GOES TO PERMANENT COUNCIL WHICH WILL MEET JULY 10 FOR ITS CONSIDERATION. WE WILL TRANSMIT COPY AS FINALLY APPROVED BY PERMANENT COUNCIL ALONG WITH USDEL STATEMENT MADE AT THAT MEETING. INGERSOLL

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